

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                          |   |                           |
|--------------------------|---|---------------------------|
| UNITED STATES OF AMERICA | ) |                           |
|                          | ) | Criminal No. 05-30036-NMG |
|                          | ) |                           |
|                          | ) |                           |
| v.                       | ) |                           |
|                          | ) |                           |
| 1) TITO RODRIGUEZ, and   | ) |                           |
| 2) NELSON SANCHEZ        | ) |                           |
| Defendants.              | ) |                           |

MOTION TO SCHEDULE CHANGE OF PLEA FOR NELSON SANCHEZ  
AND STATUS REPORT

The United States of America, by and through its undersigned attorneys, hereby files this Motion to Schedule Change of Plea for Nelson Sanchez and Status Report.

On January 17, 2006, a Status Conference was held by Judge Michael A. Ponsor in this two defendant case which involves a one count Indictment alleging distribution of five or more grams of cocaine base in the form of crack cocaine. During the conference Judge Ponsor announced to the parties that the case was going to be sent to Boston and redrawn. Counsel for the defendants requested a schedule for the filing of substantive motions. The Court ordered that defendants' motions were to be filed by February 17, 2006 and that the government's response was to be filed by March 10, 2006. The Court also entered an Order of Excludable delay for the period January 13, 2006 through February 17, 2006.

As a result of discussions with counsel for defendant Tito

Rodriguez after the status conference, government counsel reviewed the DVD of the drug deal which is the subject of this Indictment with the law enforcement agents who investigated this case. After reviewing the DVD, the government determined that there had been a mis-identification and on January 26, 2006, filed a Motion to Dismiss Pursuant to F.R.Crim. P. 48(a) regarding Tito Rodriguez. That Motion is currently pending.

On February 17, 2006, the undersigned counsel for the government spoke to Attorney Mickey Harris, counsel for Nelson Sanchez. Attorney Harris stated that he did not intent to file any motions and that the defendant intended to enter a change of plea.

Therefore, the government and Attorney Harris jointly move that the Court schedule a change of plea hearing for Nelson Sanchez. The undersigned counsel for the government will be before the First Circuit Court of Appeals on the morning of March 9, 2006 and would be available appear before this Court that afternoon. Attorney Harris would also be available to appear at

that time. The defendant is in custody at this time.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

/s/ Todd E. Newhouse  
TODD E. NEWHOUSE  
Assistant United States Attorney

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts  
February 17, 2006

I, Todd E. Newhouse, Assistant U.S. Attorney, do hereby  
certify that I have served a copy of the foregoing, via mail to  
all counsel of record.

/s/ Todd E. Newhouse  
TODD E. NEWHOUSE  
Assistant U.S. Attorney